

## Message Text

LIMITED OFFICIAL USE

PAGE 01 DAKAR 00174 100936Z

ACTION AF-08

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 PM-04 H-01

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 OMB-01 SCA-01 JUSE-00 /068 W

-----100942Z 121179 /20

R 100825Z JAN 77

FM AMEMBASSY DAKAR

TO SECSTATE WASHDC 7801

INFO AMEMBASSY PARIS

LIMITED OFFICIAL USE DAKAR 0174

E.O. 11652: N/A

TAGS: PFOR, PGOV, SG

SUBJECT: SENEGAL LOOKS TO US FOR IDEAS TO STRENGTHEN  
JUDICIARY

1. SUMMARY: GOS HAS REQUESTED INFORMATION ON POWERS,  
FUNCTIONS AND PERSONAL RANK OF US SUPREME COURT CHIEF  
JUSTICE IN CONTEXT OF PLANNED REFORMS TO REINFORCE  
INDEPENDENCE OF SENEGALESE JUDICIAL SYSTEM. PRESIDENT  
SENGHOR, SUPREME COURT PRESIDENT AND OTHER LEADERS ARE  
SPEAKING OUT EMPHATICALLY ON DETERMINATION TO HEIGHTEN  
JUDICIARY'S PRESTIGE AND ENSURE THAT IT WILL PLAY  
NON-PARTISAN ROLE IN SENEGAL'S EVOLVING MULTI-PARTY  
SYSTEM. EMBASSY WOULD APPRECIATE DEPARTMENT'S SUPPORT IN  
ASSEMBLING PERTINENT MATERIALS. END SUMMARY.

2. GOS IS LAYING GROUNDWORK FOR STRUCTURAL REFORMS  
TO ASSURE "TOTAL INDEPENDENCE" OF JUDICIARY IN EFFORT  
TO STRENGHTEN FURTHER SENEGAL'S INCREASINGLY LIBERAL  
MULTI-PARTY SYSTEM. PRESIDENT SENGHOR TOLD EXTRAORDINARY  
NOVEMBER 18 INTER-MINISTERIAL COUNCIL MEETING ON JUDICIARY  
THAT EXISTENCE OF THE STATE ITSELF DEPENDED ON HAVING  
"STRONG AND INDEPENDENT JUSTICE." HE EMPHASIZED

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 DAKAR 00174 100936Z

CONSTITUTIONAL ROLE OF JUDICIARY AS THIRD POWER DISTINCT  
FROM EXECUTIVE AND LEGISLATIVE BRANCHES.

3. MINOR HUBBUB UNSUED OVER DECEMBER 19 MAGISTRATES'  
CONGRESS WHICH REPORTEDLY CONGRATULATED SENEGAL'S  
GOVERNING SOCIALIST PARTY (FORMERLY UPS) ON ITS ADMISSION  
TO SOCIALIST INTERNATIONAL. GOVERNMENT-OWNED LE SOLEIL

PRINTED RAPID RETRACTION CALLING REPORT ERRONEOUS, AND EXPLAINING THAT MAGISTRATURE WAS INDEPENDENT OF POLITICAL PARITIES AND HAD MERELY EXPRESSED SATISFACTION IN SENEGL'S "DEMOCRATIC OPENING" AND RESPECT FOR FUNDAMENTAL LIBERTY.

4. IN DECEMBER 31 PRESENTATION OF NEW YEAR'S WISHES TO CHEIF OF STATE, PRESIDENT KEBA MBAYE OF SENEGALESE SUPREME COURT DEPLORED THIS INCIDENT AND DECLARED THAT "ESSENCE" OF JUDICIARY'S MISSION WAS TO BE ABOVE PARTISAN POLITICS. MBAYE CITED SENGHOR'S DETERMINATION TO CONSOLIDATE INDEPENDENCE OF MAGISTRATURE AS "NEW MESSAGE THAT SENEGL SENDS TO THE WORLD". AT A TIME WHEN THE RULE OF LAW CHANLENDED BY POWER, FORCE, MONEY, DISCRIMINATION AND "ODIOUS TYRANNY WHICH HYPOCRITICALLY WEARS THE MATLE OF REVOLUTION AND POPULAR POWER WHILE SUFFOCATING THE LAW."

5. 3.EMBASSY OFFICER VISITED JANUARY 6 BY OMAR GUEYE, MAGISTRATE ON SENEGALESE SUPREME COURT STAFF, WHO IS PREPARING COMPARATIVE SUDY ON ANGLO-SAXON JUDICIAL SYSTEMS (SPECIFICALLY, THOSE OF US, UK AND CANADA) WITH VIEW TO IDENTIFYING ELEMENTS WHICH MIGHT BE INCORPORATED LOCALLY. GYEYE'S PRIMARY CONCERN IS PRESENT SENEGALES ARRANGEMENTS WHEREBY PRESIDEN OF SUPREME COURT (AND PROCURER GENERAL) FALL AFTER CABINET RC ORDER OF PRECEDENCE AND ARE SUBORDINATE TO POLITICAL FIGURE IN PERSON OF MINISTER OF JUSTICE. GUEYE SAID INTENTION WAS TO CHANGE THIS RELATIONSHIP TO BOOST PRESTIGE AND POWER OF SUPREME COURT PRESIDENT. HE REQUESTED INFORMATION ON U.S. JUDICIAL SYSTEM, PARTICULARLY AS CONCERNS LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 DAKAR 00174 100936Z

RESPECTIVE POWERS AND FUNCTIONS OF SUPROEME COURT CHIEF JUSTICE AND OTHER MEMBERS OF JUDICIARY VIS-A-VIS ATTORNEY-GENERAL AND PROCURER GENERAL. HE SAID THAT LOCAL MATERIALS HE HAD BEEN ABLE TO FIND WERE LIMITED TO UNHELPFUL GENERALITIES ON POLITICAL MERITS OF SEPARATION OF IMWERS, AND HE NEEDED MORE SPECIFIC INFORMATION. HE ALSO ASKED TO KNOW HOW THESE FIGURES ARE RANKED IN OFFICIAL USG ORDER OF PRECEDENCE; AND REQUESTED INFORMATION ON STRUCTURE OF SUPVEME COURT AND JUDICIAL SYSTEM AT LARGE.

6. IT IS EVIDENT THAT THIS STUDY RELATED TO HIG-PRIORITY PROJECT WITH PERSONAL INTERNEST OF PRESIDENT SENGHOR. (EMBASSY ALSO CITES THIS INQUIRY AS ANOTHER SMALL EXAMPLE OF

SENEGALESE OPENING TOWARD U.S. WHICH WE SENSE INCREASINGLY IN MANY AREAS OF COMMON INTEREST.) WE WOULD ACCORDINGLY APPRECIATE DEPARTMENT'S ASSISTANCE IN CABLING OR AIR POUCHING PERTINENT MATERIALS RESPONSIVE TO THESE QUESTION. (NATURALLY, ANYTHING AVAIALABLE IN FRENCH WOULD

BE PARTICULARLY USEFUL).

AGGREY

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptoning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** PUBLICATIONS, COURTS, REORGANIZATIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Sent Date:** 10-Jan-1977 12:00:00 am  
**Decapton Date:** 01-Jan-1960 12:00:00 am  
**Decapton Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1977DAKAR00174  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D770008-0767  
**Format:** TEL  
**From:** DAKAR  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1977/newtext/t19770167/aaaacgwo.tel  
**Line Count:** 118  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** 61fab6db-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION AF  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 09-Feb-2005 12:00:00 am  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 3634911  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** SENEGAL LOOKS TO US FOR IDEAS TO STRENGTHEN JUDICIARY  
**TAGS:** PFOR, PGOV, SG, US  
**To:** STATE  
**Type:** TE  
**vdkgvgwkey:** odbc://SAS/SAS.dbo.SAS\_Docs/61fab6db-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009